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Attorney Docket No. 9407-5

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Steven Lingafelt et al.

Serial No.: 10/647,269

Group Art No.: 2154

Filed: August 22, 2003

Confirmation No.: 2069

For: METHODS, SYSTEMS AND COMPUTER PROGRAM PRODUCTS FOR  
PROVIDING STATUS INFORMATION TO A DEVICE ATTACHED TO AN  
INFORMATION INFRASTRUCTURE

December 30, 2003

Office of Patent Legal Administration  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**PETITION TO ACCORD THE PROPER FILING DATE**

Sir:

As set forth in 37 CFR § 1.10(c) and MPEP § 506.02, Applicant hereby petitions to grant the proper filing date of August 22, 2003 rather than August 25, 2003 for the above-identified patent application as this was the date the application was deposited as "Express Mail" in the U.S. Postal Service. The following is enclosed as evidence of August 22, 2003 being the correct filing date for the application, which was properly filed under 37 C.F.R. § 1.10:

1. A true and accurate copy of the Cover Sheet for the Application showing the Express Mail signature and date on Page 2;
2. A true and accurate copy of the Express Mail Receipt along with a copy of the USPS-Track & Confirm from the web page ([www.usps.com](http://www.usps.com)), showing "acceptance" or deposit date with the USPS at 5:43 p.m. on August 22, 2003; and
3. A true and accurate copy of our return post card and of the official filing receipt for this application, sent by the United States Patent and Trademark Office, showing that Applicant was improperly given the filing date of August 25, 2003 instead of the Express Mail date of August 22, 2003.

This petition is being filed promptly after Applicant became aware of the improperly accorded filing date. Accordingly, Applicant respectfully requests the granting of August 22, 2003 as the filing date pursuant to 37 CFR § 1.10.

In re: Steven Lingafelt et al.  
Serial No.: 10/647,269  
Filed: August 22, 2003  
Page 2

On the basis that Applicant properly followed the requirements of 37 CFR § 1.10 and the USPTO failed to accord the proper filing date under MPEP § 505 and thus the need to file this petition is due to error on the part of the USPTO, it is applicant's belief that no fee is due with this petition. However, the Commissioner is authorized to charge any deficiency or credit any overpayment to Deposit Account No. 50-0220.

Respectfully submitted,

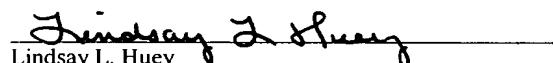


Laura M. Kelley, Esq  
Attorney For Applicant  
Registration No. 48,441

**USPTO Customer No. 20792**  
Myers Bigel Sibley & Sajovec  
Post Office Box 37428  
Raleigh, North Carolina 27627  
Telephone: 919/854-1400  
Facsimile: 919/854-1401

**Certificate of Mailing under 37 CFR 1.8**

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Office of Patent Legal Administration, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on December 30, 2003.

  
Lindsay L. Huey  
Date of Signature: December 30, 2003



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

ATTY DOCKET NO.: 9407-5  
DATE: August 22, 2003

**UTILITY PATENT APPLICATION TRANSMITTAL LETTER  
AND FEE TRANSMITTAL FORM (37 CFR § 1.53(b))**

Mail Stop PATENT APPLICATION  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Transmitted herewith for filing under 37 CFR § 1.53(b) is:

a patent application  
 a Continuation     a Divisional     a Continuation-in-Part (CIP)    Application of prior application no.: \_\_\_\_\_; filed \_\_\_\_\_, the disclosure of which is incorporated herein by reference in its entirety.  
 and claims the benefit of Provisional Application No. \_\_\_\_\_; filed \_\_\_\_\_.

Inventor(s) or Application Identifier:

Steven Lingafelt  
Gerald Marko

Entitled: **METHODS, SYSTEMS AND COMPUTER PROGRAM PRODUCTS FOR PROVIDING STATUS INFORMATION TO A DEVICE ATTACHED TO AN INFORMATION INFRASTRUCTURE**

Myers Bigel Sibley & Sajovec, P.A.  
P. O. Box 37428  
Raleigh, North Carolina 27627  
Telephone: (919) 854-1400  
Facsimile: (919) 854-1401  
Customer No. 20792

Enclosed are:

1.  Application Transmittal Letter and Fee Transmittal Form (*A duplicate is enclosed for fee processing*)
2.  18 pages of Specification (including 23 claims)
3.  6 sheets of Formal Drawings (35 USC 113)
4.  Oath or Declaration
  - a.  newly executed (*original or copy*)
  - b.  copy from prior application (37 CFR 1.63(d)) (*for continuation/divisional*) [Note Box 6 Below]
  - c.  DELETION OF INVENTOR(S) (*Signed statement deleting inventor(s) named in the prior application*)
5.  Application Data Sheet. See 37 CFR 1.76
6.  Incorporation By Reference (*useable if box 4b is checked*)  
The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied under

Box 4b, is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.

7.  Microfiche Computer Program (*Appendix*)
8.  Assignment papers (*cover sheet(s) and document(s)*)
9.  Applicant claims small entity status. See 37 CFR § 1.27.
10.  Information Disclosure Statement, PTO-1449, and \_\_\_\_\_ references cited
11.  Preliminary Amendment (*Please enter all claim amendments prior to calculating the filing fee.*)
12.  English Translation Document
13.  Certified Copy of Application No. ; Filed
14.  Sequence Listing/ Sequence Listing Diskette
  - a.  computer readable copy
  - b.  paper copy
  - c.  statement in support
15.  An Associate Power of Attorney
16.  Return Receipt Postcard (MPEP 503) (*Should be specifically itemized*)
17.  Other:

The fee has been calculated as shown below:

	Column 1 No. Filed	Column 2 No. Extra	Small Entity Rate Fee	Large Entity Rate Fee
BASIC FEE			\$375.00	\$ 750.00
TOTAL CLAIMS	23 - 20 =	3	x 09 = \$	x 18 = \$ 54.00
INDEP CLAIMS	4 - 3 =	1	x 42 = \$	x 84 = \$84.00
<input type="checkbox"/> MULTIPLE Dependent Claims Presented			+ 140 = \$	+ 280 = \$
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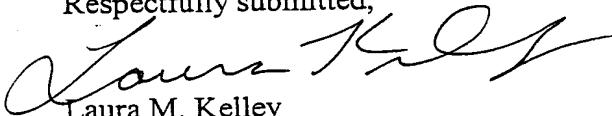
A check in the amount of \$ is enclosed to cover the filing fee, PLUS the Assignment Recordation fee (\$40.00).

Please charge IBM Deposit Account No. 50-0629 in the amount of \$928.00 for filing fee and Assignment Recordation Fee.

The Commissioner is hereby authorized to credit overpayments or charge the following fees associated with this communication to Deposit Account No. 50-0629:

- a.  Additional filing fees under 37 CFR 1.16 for presentation of extra claims.
- b.  Additional patent application processing fees under 37 CFR 1.17.

Respectfully submitted,



Laura M. Kelley  
Registration No. 48,441

#### CERTIFICATE OF EXPRESS MAILING

Express Mail Label No. EV318420806 US

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I hereby certify that this correspondence is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR § 1.10 on the date indicated above and is addressed to: Mail Stop PATENT  
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Carey Gregory



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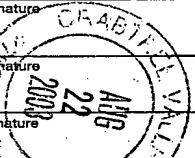
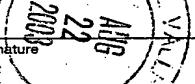
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Commissioner for Patents  
PO Box 1450  
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# M.S. Patent Application

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

LMK/cy

03913 647269

Date: 8-22-03

Doc. No. 9407-5

Serial No. 18A

Inventor: Langafelt

Sir: Kindly acknowledge receipt of the accompanying items listed below  
by placing your receiving stamp hereon and return mailing:

<input checked="" type="checkbox"/> Application Transmittal and:	<input type="checkbox"/> Check \$ _____
<input checked="" type="checkbox"/> Specification pages 18	<input type="checkbox"/> IDS & PTO-1449 & _____ refs.
<input checked="" type="checkbox"/> No. of Claims 23	<input type="checkbox"/> Amendment & Amend. Transmittal
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Other:	

Respectfully submitted,  
MYERS BIGEL SIBLEY & SAJOVEC, P.A.  
Attorneys for Applicant

03913 647269  
PTO  
08/25/03